

GEORGE C. HUTCHINSON (SBN 138735)  
PATRICK L. BLAIR (SBN 201345)  
LEGAL SOLUTIONS 2 U  
A Professional Corporation  
18201 Von Karman, Ste. 701  
Irvine, California 92616  
Telephone: (855) 755-2928  
Facsimile: (855) 755-2928  
[gchutchinson@legalsolutions2u.com](mailto:gchutchinson@legalsolutions2u.com)

Attorneys for Defendant:  
BRANDREP, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

A1 ON TRACK SLIDING DOOR  
REPAIR AND INSTALLATION,  
INC, SYLVIA SCHICK, and  
DEBORAH SCHICK, individually  
and on behalf of all others similarly  
situated,

Plaintiffs,

vs.

BRANDREP, LLC, a Delaware  
limited liability company,

Defendant.

Case No. 3:21-CV-03013-SI

**HUTCHINSON DECLARATION  
IN SUPPORT OF BRANDREP,  
LLC'S REPLY TO  
PLAINTIFFS' OPPOSITION TO  
THE MOTION TO SET ASIDE  
DEFAULT (FRCP 55(c))**

Date: September 24, 2021  
Time: 10:00 a.m.  
Courtroom: 1  
Judge: Hon. Susan Illston

First Amended Complaint Filed on  
April 29, 2021

**HUTCHINSON DECLARATION IN SUPPORT OF BRANDREP, LLC'S  
REPLY TO PLAINTIFFS' OPPOSITION TO THE MOTION TO SET  
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1. I am an attorney in the State of California and the owner of Legal

Solutions 2 U, APC, the law firm representing defendant Brandrep, LLC

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1 (“Brandrep”).

- 2 2. I have discussed the allegations of the first amended complaint in this
- 3 matter (“FAC”) with BrandRep.
- 4
- 5 3. I have successfully represented BrandRep in various TCPA claim
- 6 defenses and am familiar with BrandRep’s TCPA protection history and
- 7 marketing strategies as these were topics of discussion with my client on
- 8 this case and all previous TCPA claims.
- 9
- 10 4. BrandRep has layers of TCPA and DNC protections in place to ensure no
- 11 violation of TCPA and DNC regulations. In fact, and by way of example,
- 12 the only times that I’ve seen BrandRep sued for TCPA claims was by
- 13 professional plaintiffs who have made a business out of manufacturing
- 14 and devising TCPA claims.
- 15
- 16 5. BrandRep has expressed to me that given the extensive protocols
- 17 BrandRep has in place to ensure compliance with TCPA and DNC
- 18 regulations, it is BrandRep’s belief that the plaintiffs in this case are
- 19 professional plaintiffs for profit who have made litigation their business
- 20 and are serial TCPA litigants who have devised and/or manufactured a
- 21 scheme to drum up TCPA claims even against companies, like
- 22 BrandRep, with layers of protection from TCPA and DNC violations.
- 23
- 24 6. Brandrep has no record of calling the numbers allegedly owned by
- 25
- 26 plaintiffs in the manner alleged in the FAC (with respect to the numbers
- 27
- 28

1 called with on certain dates).

2 7. Brandrep has a long history of extensive protocols in place to ensure that  
3 it does not violate the TCPA. In working with BrandRep on TCPA  
4 claims before BrandRep's marketing lead source owners and operators  
5 explained to me that leads in 2017 were finger-dialed by a live person  
6 who handled the call with a preformatted script.  
7

8 8. Brandrep has expressed that they only call verified lead sources that are  
9 pre-determined and screened to be in compliance with TCPA and DNC  
10 regulations.  
11

12 9. This case has a history that goes back before the filing of the FAC and  
13 complaint.  
14

15 10. Plaintiffs' counsel, Taylor Smith and Rebecca Davis filed an identical  
16 TCPA complaint against Brandrep on 7/28/20 (Case # 3:20-cv-05110-  
17 TSH in the Northern District of California). The Plaintiffs were J. Scott  
18 Threde, Louis Floyd, Sylvia Schick, and Maria Schafer.  
19

20 11. On 11/3/2020, I asked attorney Taylor Smith for the plaintiffs' phone  
21 bills.  
22

23 12. I was informed by Attorney Smith on 11/4/2020 that he had dismissed  
24 the case without prejudice. On that same day, I again demanded the  
25 plaintiffs phone bills.  
26

27 13. On 11/28/2021, attorney Smith finally gave me plaintiff J. Scott  
28

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1 Threde's bill, but no one else's.

2 14. On 2/1/2021, after analyzing the bill, I was able to show attorney Smith  
3 that the alleged phone number was not owned by Brandrep at the time of  
4 the alleged call and that the number has been registered to Gieco since  
5 07/20/1993 with no porting changes and that for BrandRep to make such  
6 a call from the alleged number would be impossible.  
7  
8

9 15. Then, the same attorneys filed the instant case on April 26, 2021 with the  
10 following plaintiffs: J. Scott Threde, Louis Floyd, Sylvia Schick, and  
11 Maria Schafer.  
12

13 16. Apparently after realizing that J. Scott Threde was not a viable plaintiff,  
14 and that Maria Schaeffer lived in Huntington Beach, the attorneys filed  
15 the FAC in Northern District on April 29, 2021 eliminating both  
16 Plaintiffs and renaming Louis Floyd individually to his business name  
17 listing the following plaintiffs: A1 On Track Sliding Door Repair and  
18 Installation, Inc. ("A1 On Track" originally Louis Floyd), Sylvia Schick,  
19 and Deborah Schick. The FAC eliminated plaintiff J. Scott Threde.  
20 Interestingly, the FAC replaced plaintiff Louis Floyd with A1 on Track  
21 (with the same facts), and eliminated Maria Schaeffer who lived in  
22 Huntington Beach, suspiciously inferring a venue shopping preference  
23 for the Northern District.  
24  
25  
26  
27

28 17. Despite agreeing to provide them, attorney Smith has since refused to

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1 provide the phone records of the remaining plaintiffs. He claims he does  
2 not have them yet each of the Plaintiffs are professional plaintiffs for  
3 profit with multiple TCPA claims filed or threatened to be filed with the  
4 courts for years before the underlining case was filed. Each filed case  
5 references the same exact numbers alleged in the operative complaint in  
6 this case. I have even been handed evidence that reflects a collusion  
7 between the plaintiffs to share in TCPA claims.  
8

9  
10 18. Based on evidence provided to my office it is my belief that these  
11 plaintiffs have no standing to sue in this case.  
12

13 19. Since each number and plaintiff have been litigating TCPA claims with  
14 the same numbers for years, I find it hard to believe that the phone bill  
15 for each plaintiff and number is not within counsel's possession given  
16 their plaintiffs history of TCPA claims. I believe that he has refused to  
17 provide them because they would show that the remaining plaintiffs have  
18 no claim, like with J. Scott Threde.  
19  
20

21 20. Maria Schaffer, Louis Floyd (aka A1 On Track Sliding Door Repair and  
22 Installation), and Sylvia Schick were professional plaintiffs of Todd  
23 Friedman's office, whom BrandRep sued for manufacturing illegal  
24 TCPA claims. It is suspicious that many of the same plaintiffs are now  
25 being represented by Taylor Smith and Rebecca Davis after Todd  
26  
27

28 Friedman's office promised to never sue BrandRep again after their last

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1 failed TCPA claim against BrandRep where BrandRep filed counter-  
2 claims against TCPA plaintiffs and Todd Friedman's office successfully  
3 defeating Todd Friedman's Motion to Dismiss and Anti-SLAPP motions.  
4

5 21. By way of a non-exhaustive set of examples the plaintiffs in this case  
6 have made being a plaintiff for profit through a series of TCPA litigation  
7 claims including case numbers:  
8

9 a. 3:2020cv05110

10 b. 2:2020cv04671

11 c. 5:2020cv01520

12 d. 5:2020cv02162

13 e. 5:2020cv03486

14 f. 5:2020cv03502

15 g. 3:2020cv04585

16 h. 3:2020cv05110

17 i. 3:2019cv01407

18 j. 2:2020cv00645

19 k. 8:2020cv00187

20 l. 8:2019cv01743

21 m. 3:2018cv06889

22 n. 3:2020cv05110

23 o. 3:2020cv01170  
24  
25  
26  
27  
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1 p. 1:2019cv01185

2 q. 3:2020cv02231

3  
4 22. I find it highly suspicious that in a TCPA case where the plaintiffs for  
5 years have initiated multiple TCPA claims against multiple parties using  
6 the same exact telephone number alleged in the FAC that the plaintiffs  
7 and their counsel are unwilling to show their phone records which are the  
8 basis of their complaint. The phone records would be the most basic  
9 piece of foundational evidence needed to show that plaintiffs even  
10 received a call from defendant.  
11  
12

13 23. Based on my discussions with BrandRep and their agents, I believe the  
14 defendant has a just and complete defense to the FAC for the following  
15 reasons: 1) Brandrep did not contact any of the plaintiffs as alleged in the  
16 complaint, 2) even if Brandrep did contact any of the plaintiffs, it was not  
17 likely with an artificial or prerecorded voice without some act on behalf  
18 of the Plaintiffs to manufacture their TCPA claims eliminating any  
19 safeguard protocol that BrandRep would have in place, 3) BrandRep has  
20 extensive protocols in place to ensure that it does not violate the TCPA,  
21 and (4) BrandRep has produced evidence to me that each number listed  
22 in the complaint was a business landline at the time of each of the alleged  
23 calls with express written consent to be called which are exceptions  
24  
25 under the TCPA (47 U.S.C. § 227 (a) 5), by virtue of listing them on  
26  
27  
28

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1 public websites.

2 24. If the court sets aside the default, my office will file a responsive  
3 pleading, so that the parties can adjudicate the foregoing issues on the  
4 merits.  
5

6 25. Plaintiffs' counsel has never expressed any concern for Brandrep's  
7 preservation of data until the instant opposition to Brandrep's motion to  
8 set aside. They have never asked BrandRep for any assurances that it  
9 preserve its data relevant to this lawsuit.  
10

11 26. BrandRep has given my office assurances that all relevant evidence  
12 regarding the calls at issue in the FAC are preserved and will be  
13 preserved throughout the pendency of this lawsuit. Had BrandRep made  
14 calls to plaintiffs in 2017 and 2020, the data that would show that would  
15 be preserved according to my client.  
16  
17

18 I declare under penalty of perjury under the laws of the State of California  
19 and the United States of America that the foregoing is true and correct.  
20

21  
22 Dated: September 7, 2021

LEGAL SOLUTIONS 2 U  
A Professional Corporation

23  
24  
25 /s/ George C. Hutchinson  
26 George C. Hutchinson  
27 Declarant and Attorney for  
28 Defendant Brandrep, LLC